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EXAMINER

KAZMI, OMAR A

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 11/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/342,765

Applicant(s)

MATZ ET AL.

Examiner

Omar Kazmi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/29/1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Figure 1 fails to show the “path 2” described on page 3, line 29 of the specifications. On page 8, line 9 of the specification and in Figure 5, there is no reference number associated with the communication link “other link” connected to the transceiver. A proposed drawing correction, preferably in red ink, or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The disclosure is objected to because of the following informalities: On page 6, line 30, change “(at 30)” to “30”. On page 7, lines 5 & 6, insert “32” after “control messages” and remove “(at 32)” on line 6. On page 9, line 12, change “...a user can launch (at 100) the browser 10” to “at 100, user launches a browser 10”. On page 7, line 16, replace “(at 22)” with “22”. On page 7, line 24, insert “24” after “information”. On page 7, line 26, replace “(at 24)” with “by 24”. The specification is replete with such parenthetical errors and the applicant is suggested to correct these errors. On page 8, line 5, replace “monitor” with “video display”.

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-3, 5, 9-13, 16-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Judson, US Patent Number 5,572,643. Judson teaches us in the abstract that his invention provides a "...method of browsing the Worldwide Web of the Internet using an HTML-compliant client supporting a graphical user interface and a browser". Regarding claim 1, the abstract discloses the proposed inventions' claims for a system comprised of a browser having a user interface as well as a markup language, in this case HTML or Hypertext Markup Language. Similarly, Judson also teaches that his system is capable of displaying information objects which includes "...any and all forms of messages, notices, text, graphics, sound, video, tables, diagrams, applets and other content, and combinations of any of the above" as stated on Col. 7 lines 41-44, analogous to the proposed invention's reference to multimedia data. Finally,

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Judson makes mention of script handler as mentioned as “support for platform-independent object (e.g. applets written in JavaScript, from Sun Microsystems)” on Col. 8, lines 1-2, analogous to the claimed invention’s reference to a script handler.

Regarding claim 2, Judson discloses the web browser system as described in claim 1 above wherein the system makes use of a markup language file in the form of Hypertext Markup Language file or HTML where the system consists of “...conventional HTML and enhancements thereto...” as mentioned in Col. 7, line 61.

Regarding claim 3, Judson discloses a web browser system described in claim 1 above wherein the source of multimedia data for the web browser system includes a compact disc drive, mentioned as part of the system: “The CD ROM 42, also coupled to the system bus 131, is used to store a large amount of data...” (Col. 4, lines 22-23)

Regarding claim 5, Judson teaches that a control module can be adapted to the interface of a web browser system such as Netscape Navigator 2.0 on Col. 8, line 1 where the browser has “...in-line support for platform-independent application objects (e.g. applets written in JavaScript, from Sun Microsystems)”.

Regarding claim 9, Judson discloses in his web browser system that it is capable of displaying information associated with multimedia information within the user interface. In figure 5 of Judson, the browser system displays information associated with an image file being transmitted (as seen on the bottom of the browser interface) in this case the number of bytes associated with the multimedia file: “Transferred 6656/18318 bytes (36%) of inline image lehman4.gif”. Thus, claim 9 is rejected as being anticipated by Judson.

Claim 10 is rejected as being similar in scope to the claim 1, where “audio/video” data in claim 10 is similar to “multimedia” data described in claim 1, and where the “predetermined instructions” and the ability for the “...instructions [to be] executable to display information...” in claim 10 is similar in scope to the “script handler” mentioned in claim 1 while the “file” in claim 10 is similar in scope to the “markup language file” in claim 1.

Regarding claim 11, Judson discloses a method used to display information regarding the status of a source. As mentioned in the rejection of claim 9 above, Judson describes a web browser system capable of displaying information including the status of the multimedia data source. In figure 5 of Judson, the browser system described displays information associated the status of the image file being transmitted (as seen on the bottom of the browser interface) in this case the number of bytes associated with the multimedia file: “Transferred 6656/18318 bytes (36%) of inline image lehman4.gif”. Thus, claim 11 is rejected as being anticipated by Judson.

Regarding claim 12, Judson discloses a method for displaying information associated with multimedia data in his browser system. Similar to the rejection of claim 1 above, Judson teaches a method for loading a markup language file associated with a script handler, a method to invoke the script handler to create a user interface in a browser and finally to display information associated with the multimedia data in a user interface of the browser. Judson discloses the proposed inventions’ claims for a system comprised of a browser having a user interface as well as a markup language, in this case HTML (see Judson abstract). Similarly, Judson also teaches that the information objects disclosed in his invention include “...any and all forms of messages, notices, text, graphics, sound, video, tables, diagrams, applets and other content, and combinations of any of the above” as stated on Col. 7 lines 41-44, analogous to the

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proposed invention's reference to multimedia data. Next, Judson mentions the use of a script handler in the form of "...support for platform-independent object (e.g. applets written in JavaScript, from Sun Microsystems)" on Col. 8, lines 1-2, analogous to the claimed invention's reference to a script handler. Finally, regarding the display of information associated with the multimedia data, as seen the rejection of claim 9 above, Judson describes a web browser system capable of displaying information including the status of the multimedia data source. In figure 5 of Judson, the browser system displays information associated the status of the image file being transmitted (as seen on the bottom of the browser interface) in this case the number of bytes associated with the multimedia file: "Transferred 6656/18318 bytes (36%) of inline image lehman4.gif".

Regarding claim 13, in the system proposed in claim 12 above, Judson teaches that a control module can be adapted to the interface of a web browser system such as Netscape Navigator 2.0 on Col. 8, line 1 where the browser has "...in-line support for platform-independent application objects (e.g. applets written in JavaScript, from Sun Microsystems)". In regards to the ability to access multimedia data via a control module in the browser system, a control module is inherent in all software applications and since the web browser invention described by Judson explicitly indicates that the system will be capable of accessing and displaying multimedia data, it is apparent that a software control module will have to access multimedia data stored in a storage source in order to display the corresponding multimedia data.

Regarding claim 16, in the system proposed in claim 1 above, Judson teaches a web browser system containing a source file along with multimedia data, a browser having a user interface and a markup language file associated with a script handler, able to execute multimedia

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data received from a source for presentation to the browser interface. Judson teaches many of the limitations taught in claim 1, which is rejected as being similar in scope, where a “file” mentioned in claim 16 can be interpreted as markup language file described in claim 1 that can be loaded into a browser. Similarly, the “...instructions associated with the file...” on lines 3-4 of claim 1 can be interpreted as a script handler taught by Judson while the interface will display the actual markup language file. Next, on line 5 of claim 16, the ability to receive multimedia data from a source to the web browser system is equivalent to loading the multimedia data onto the web browser, also disclosed by Judson. Finally, Judson discloses a method of displaying information associated with the multimedia data in the browser as shown in Figure 5. In figure 5, the browser system described by Judson displays information associated with the an image file being transmitted (as seen on the bottom of the browser interface) in this case the number of bytes associated with the multimedia file: “Transferred 6656/18318 bytes (36%) of inline image lehman4.gif”. Thus, claim 16 is rejected as being anticipated by Judson.

Regarding Claim 17, Judson teaches the use of Hypertext Markup Language as one of the possible markup language files to be used in a web browser system that provides a “...method of browsing the Worldwide Web of the Internet using an HTML-compliant client supporting a graphical user interface and a browser” (see abstract)

Similarly, regarding claim 18, Judson also teaches that a control module can be used to access “information objects” which are equivalent to multimedia data such as “...in-line support for platform-independent application objects (e.g. applets written in JavaScript, from Sun Microsystems)” on Col. 8, line 1.



Regarding claim 20, a system consisting of a web browser capable of displaying multimedia data as is similar in scope to claim 10 above. Judson teaches the ability to present multimedia files in his web browser system or for "... 'information' [to be] output[ted] to the viewer ... cover[ing] all and any forms of messages, notices, text, graphics, sound, video, diagrams, applets and other content..." in Col 7, lines 41-44. Claim 20 also describes a similar manner to receive multimedia data from a source as well as displaying information associated with the multimedia data, which was also described in claim 10. Finally, claim 20 recites an "...article [or system] including one or more machine-readable storage media...", similar to what Judson teaches us in Col 4, lines 5-24, where the storage media used to store the instructions may be located on ROM, RAM, hard disk or CD-ROM. Thus, claim 20 is rejected as being similar to scope to claim 10.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Judson.

Regarding claim 4, while Judson mentions a web browser system similar in scope to claim 1, Judson does not explicitly mention making use of a digital video disc drive with the web browser system mentioned in claim 1. However, from Judson's invention it can be construed that his web browser system is used to open video, regardless of the medium on which the source file is located on, as long as it would allow for the "... 'information' [to be] output[ted] to the viewer ... cover[ing] all and any forms of messages, notices, text, graphics, sound, video, diagrams, applets and other content..." as previously mentioned on Col. 7, lines 39-44. Since digital video disk drive technology is notoriously well-known in the state of the art and its use is commonplace in most computing systems today, the examiner takes OFFICIAL NOTICE of the fact that this technology is well-known by one of ordinary skill in the art. It would have been obvious to one skilled in the art to combine access to a digital video disc and the web browser system to obtain the system described in claim 4. One skilled in the art would have been motivated to make use digital video disc drive as a source of multimedia output data to a web browser because a digital video disc drive provides larger capacity to store and retrieve multimedia data than the capacity provided by a compact disc drive. Furthermore, digital video disc drives were created after the publishing patent date for the web browser system invented by Judson.

9. Claims 6, 7, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judson in view of Noyes, US Patent Number 5,379,366, and Cluts, "ActiveX Control Overview" provided by applicant in the information disclosure statement. Judson discloses a web browser system as discussed in claim 1 above but does not explicitly mention the use of ActiveX

components either being part of a control module or the ability for an ActiveX component interfacing with the browser.

Regarding claims 6 and 7, Noyes discloses the use of his user interface for his invention that "...integrates the principle characteristics GUI, Hypertext, OLE, and context sensitive programming in a single integrated user environment..." on Col. 2, line 66-68. Cluts discloses in her article "Introduction to ActiveX Controls" presented by the applicant on page 1, first paragraph, lines 1-3 that the ActiveX components were "...formally known as OLE controls... [are] components (or objects) you can insert into a Web page or other application to reuse packaged functionality someone else programmed." Since OLE controls are the equivalent to ActiveX controls and since their use has already been reported within a browser, it would be obvious to one skilled in the art to use these ActiveX components to interface with the web browser to obtain the claimed invention. One skilled in the art would be motivated to combine the ActiveX component into a web browser system to provide added functionality to a web browser and to reuse already existing software components that were readily available to be transformed into ActiveX components.

Regarding claim 14, as noted in claims 12 and 13 above, a web browser system was disclosed by Judson described access to information associated with multimedia files accessed through a control component but does not explicitly mention the use of ActiveX components as part of a control module in the browser system. Noyes discloses the use of his user interface for his invention that "...integrates the principle characteristics GUI, Hypertext, OLE, and context sensitive programming in a single integrated user environment..." on Col. 2, line 66-68. Cluts discloses in her article "Introduction to ActiveX Controls" presented by the applicant on Page 1,

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first paragraph, lines 1 – 3 that the ActiveX components “...formally known as OLE controls... [are] components (or objects) you can insert into a Web page or other application to reuse packaged functionality someone else programmed.” Since OLE controls are the equivalent to ActiveX controls and since their use has already been reported within a browser, it would be obvious to one skilled in the art to combine these ActiveX components within the interface of a web browser to obtain the claimed invention. One skilled in the art would be motivated to combine these features into a web browser system to provide added functionality to a web browser and to reuse already existing software components that were readily available to be transformed into ActiveX components.

Regarding claim 19, a web browser system consists of the ability to display multimedia data as described in claim 16 by Judson and able to access this multimedia data using a control module described in claim 18. While Judson teaches us that a control module may be used in access multimedia data within a web browser, he does not explicitly state the use of ActiveX components within a web browser. However, Noyes discloses the use of his user interface for his invention that “...integrates the principle characteristics GUI, Hypertext, OLE, and context sensitive programming in a single integrated user environment...” on Col. 2, line 66-68. Cluts discloses in her article “Introduction to ActiveX Controls” presented by the applicant on Page 1, first paragraph, lines 1 – 3 that ActiveX components “...formally known as OLE controls... [are] components (or objects) you can insert into a Web page or other application to reuse packaged functionality someone else programmed.” Since OLE controls are the equivalent to ActiveX controls and since their use has already been reported within a browser, it would be obvious to one skilled in the art to combine these ActiveX components within a web browser to obtain the

claimed invention. One skilled in the art would have been motivated to combine these feature into a web browser system to provide added functionality to the user and to reuse already existing software components that were readily available to be transformed into ActiveX components.

10. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judson in view of Lindblad et al, Patent Number 6,225,993, hereinafter referred to as Linblad. Regarding claim 8, while Judson discloses a web browser system as mentioned in claim 8, Judson does not explicitly mention the user interface control components in the user interface of a web browser system, where a script handler responds to the activation of that particular user interface control component activation. Lindblad discloses a user interface control components including those used to control video bit stream as those described on col. 7, line 15-17 as "...virtual buttons, pull-down menus, virtual radio buttons, virtual check boxes and sliding scroll bars". It would have been obvious to one skilled in the art to combine the web browser system described above along with the user interface control components to obtain the proposed invention described in claim 8. One of ordinary skill in the art would have been motivated combine the user interface control components with script handler into the web browser invention in order to provide the user with a means to interact with the multimedia player such as pausing or playing the multimedia data. Thus, Claim 8 is rejected as the user interface includes control components which triggers the execution of a script handler based up the activation of a user interface control component.

Regarding claim 15, as noted in claim 12 above, Judson discloses a web browser system where the system allows access to information associated with multimedia data but does not

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explicitly mention user interface control components in the user interface of a web browser system with the ability to respond to the activation of a particular user interface control component. Lindblad discloses a user interface control components including those used to control video bit stream as those described on col. 7, line 15-17 as "...virtual buttons, pull-down menus, virtual radio buttons, virtual check boxes and sliding scroll bars". It would have been obvious to one skilled in the art to combine the web browser system described above along with the user interface control components to obtain the proposed invention described in claim 15. One of ordinary skill in the art would have been motivated combine the user interface control components with script handler into the web browser invention in order to provide the user with a means to interact with the multimedia player such as pausing or playing the multimedia data. Thus, Claim 15 is rejected as the user interface includes control components which triggers the execution of a script handler based up the activation of a user interface control component.

### ***Conclusion***

11. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teaches the method and apparatus for dynamically constructing a graphical user interface from a DVD data stream similar to the proposed inventions assertion for a customizable graphical user interface for multimedia data streams as well another document mentioning a system for distributing multimedia information which provide a similar manner to view multimedia data over a computer network.

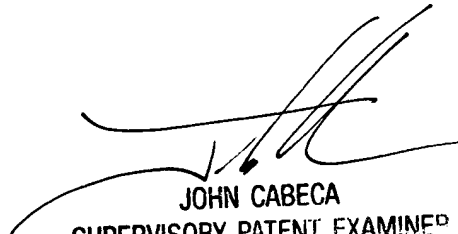
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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Kazmi whose telephone number is 703-305-4894. The examiner can normally be reached on Monday - Friday 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 703-308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-9081 for regular communications and 703-308-9081 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3500.

OK  
October 30, 2002



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2